

EXHIBIT 16

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14 *America, Inc.*

15 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

16 **In re: CATHODE RAY TUBE (CRT)**
17 **ANTITRUST LITIGATION**

Case No. 13-cv-01173 SC
Case No. 07-cv-05944 SC

18 This Document Relates to: Individual Case No.
13-cv-01173 SC

MDL No. 1917

19 SHARP ELECTRONICS CORPORATION;
20 SHARP ELECTRONICS MANUFACTURING
COMPANY OF AMERICA, INC.,

**SHARP ELECTRONICS
CORPORATION AND SHARP
ELECTRONICS
MANUFACTURING COMPANY OF
AMERICA, INC.'S FIRST SET OF
INTERROGATORIES TO
DEFENDANT TECHNICOLOR SA,
F/K/A THOMSON SA**

21 Plaintiffs,

22 v.

23 HITACHI, LTD., *et al.*,

24 Defendants.
25
26
27
28

DATE: MAY 14, 2014

7. The terms “Identify,” “Describe,” and “State” mean:

- i. As to a person, to state the full name, where the person worked during the time period to which your answers pertains, the person's current or last known employer and position, and the person's current or last known home and business address, and telephone numbers;
- ii. As to a Company, to state the full legal name, business address, and business telephone numbers;
- iii. As to a Document, to describe the type of document (e.g., letter, statement, memorandum, telegram, notes of telephone conversation, etc.), the general subject matter, the date of the document, the identity of the sender(s) and recipient(s), and its present location and custodian, in lieu thereof, a copy of the document may be produced;
- iv. As to a Communication, to state the type of communication (e.g., oral, written, computer, etc.), the date and substance of such communication, the identity of the participants, and any documents evidencing or supporting such communication.

7. When referring to any fact, act, occurrence, transaction, statement, communication, document, or other matter, “Identify,” “Describe,” “Explain,” or “State” means to describe and identify the facts constituting such matter.

8. “Including” or “includes” means without limitation.

9. “Reflect(ing) or refer(ring) to” means a statement or communication about, relating to, concerning, describing, containing, identifying, or in any way pertaining to the subject matter in the request.

10. The term “Thomson SA” refers to Technicolor SA, f/k/a Thomson SA.

11. The terms “You” and “Your” mean Thomson SA, as defined herein, and its subsidiaries, affiliates and their subsidiaries, and any employees, agents, representatives or any persons acting or purporting to act on Your behalf, including each of Your attorneys.

1 stated in the Fifth Additional or Affirmative Defense in Your Answer, with specific reference to
 2 any Documents, persons, or other Evidence upon which You intend to rely.

3 **INTERROGATORY 6:**

4 Provide the basis for your contention that Sharp's claims "are barred, in whole or in part,
 5 by reason of claim splitting and by the doctrine of the election of remedies," as stated in the
 6 Sixth Additional or Affirmative Defense in Your Answer, with specific reference to any
 7 Documents, persons, or other Evidence upon which You intend to rely.

8 **INTERROGATORY 7:**

9 Provide the basis for your contention that Sharp's claims "are barred, in whole or in part,
 10 under the doctrine of laches," as stated in the Seventh Additional or Affirmative Defense in Your
 11 Answer, with specific reference to any Documents, persons, or other Evidence upon which You
 12 intend to rely.

13 **INTERROGATORY 8:**

14 Provide the basis for your contention that Sharp's claims "are barred, in whole or in part,
 15 under the doctrines of estoppel, waiver, and/or unclean hands," as stated in the Eighth Additional
 16 or Affirmative Defense in Your Answer, with specific reference to any Documents, persons, or
 17 other Evidence upon which You intend to rely.

18 **INTERROGATORY 9:**

19 Provide the basis for your contention that Sharp's claims "are barred, in whole or in part,
 20 because all of the actions of Thomson SA being challenged by [Sharp] were lawful, justified,
 21 procompetitive, constitute bona fide business competition, and were carried out in furtherance of
 22 Thomson SA's legitimate business interests," as stated in the Ninth Additional or Affirmative
 23 Defense in Your Answer, with specific reference to any Documents, persons, or other Evidence
 24 upon which You intend to rely.

25 **INTERROGATORY 10:**

26 Provide the basis for your contention that Sharp's claims "are barred, in whole or in part,
 27 by reason of [Sharp's] acquiescence to the conduct of Thomson SA," as stated in the Tenth
 28

1 Additional or Affirmative Defense in Your Answer, with specific reference to any Documents,
2 persons, or other Evidence upon which You intend to rely.

3 **INTERROGATORY 11:**

4 Provide the basis for your contention that Sharp's claims "are barred, in whole or in part,
5 by the doctrines of accord and satisfaction, and release and settlement," as stated in the Eleventh
6 Additional or Affirmative Defense in Your Answer, with specific reference to any Documents,
7 persons, or other Evidence upon which You intend to rely.

8 **INTERROGATORY 12:**

9 Provide the basis for your contention that Sharp's claims "are barred, in whole or in part,
10 because the conduct of Thomson SA alleged in the Complaint was caused by, due to, based
11 upon, or in response to directives, laws, regulations, policies, and/or acts of governments,
12 governmental agencies and entities, and/or regulatory agencies, and as such is non-actionable or
13 privileged," as stated in the Twelfth Additional or Affirmative Defense in Your Answer, with
14 specific reference to any Documents, persons, or other Evidence upon which You intend to rely.

15 **INTERROGATORY 13:**

16 Provide the basis for your contention that Sharp's claims "are barred, in whole or in part,
17 because [Sharp] lack[s] standing to bring the claims asserted in the Complaint," as stated in the
18 Thirteenth Additional or Affirmative Defense in Your Answer, with specific reference to any
19 Documents, persons, or other Evidence upon which You intend to rely.

20 **INTERROGATORY 14:**

21 Provide the basis for your contention that Sharp's claims "are barred, in whole or in part,
22 because, to the extent that any employee or agent of Thomson SA engaged in any unlawful act or
23 omission, any such act or omission would have been committed by individuals acting ultra
24 vires," as stated in the Fourteenth Additional or Affirmative Defense in Your Answer, with
25 specific reference to any Documents, persons, or other Evidence upon which You intend to rely.

26 **INTERROGATORY 15:**

27 Provide the basis for your contention that Sharp's claims "are barred, in whole or in part,
28 because [Sharp's] alleged injuries . . . stemmed from intervening or superseding causes," as

1 stated in the Fifteenth Additional or Affirmative Defense in Your Answer, with specific
 2 reference to any Documents, persons, or other Evidence upon which You intend to rely.

3 **INTERROGATORY 16:**

4 Provide the basis for your contention that Sharp's claims "are barred, in whole or in part,
 5 because [Sharp] [has] not suffered an antitrust injury," as stated in the Sixteenth Additional or
 6 Affirmative Defense in Your Answer, with specific reference to any Documents, persons, or
 7 other Evidence upon which You intend to rely.

8 **INTERROGATORY 17:**

9 Provide the basis for your contention that Sharp's claims "are barred, in whole or in part,
 10 because [Sharp] [has] not been injured in [its] business or property by reason of any action of
 11 Thomson SA," as stated in the Seventeenth Additional or Affirmative Defense in Your Answer,
 12 with specific reference to any Documents, persons, or other Evidence upon which You intend to
 13 rely.

14 **INTERROGATORY 18:**

15 Provide the basis for your contention that Sharp's claims "are barred, in whole or in part,
 16 because [Sharp's] alleged damages . . . are speculative and because of the impossibility of the
 17 ascertainment and allocation of such alleged damages," as stated in the Eighteenth Additional or
 18 Affirmative Defense in Your Answer, with specific reference to any Documents, persons, or
 19 other Evidence upon which You intend to rely.

20 **INTERROGATORY 19:**

21 Provide the basis for your contention that Sharp is "barred from recovery of damages, in
 22 whole or in part, because of and to the extent of [Sharp's] failure to mitigate damages," as stated
 23 in the Nineteenth Additional or Affirmative Defense in Your Answer, with specific reference to
 24 any Documents, persons, or other Evidence upon which You intend to rely.

25 **INTERROGATORY 20:**

26 Provide the basis for your contention that Sharp's "claims for an illegal overcharge are
 27 barred, in whole or in part, to the extent that such overcharge was absorbed, in whole or in part,
 28 by others, and was not passed through to [Sharp]," as stated in the Twentieth Additional or

1 Affirmative Defense in Your Answer, with specific reference to any Documents, persons, or
 2 other Evidence upon which You intend to rely.

3 **INTERROGATORY 21:**

4 Provide the basis for your contention that Sharp's "claims or causes of action for
 5 injunction or other equitable relief are barred, in whole or in part, because [Sharp] [has] available
 6 an adequate remedy at law," as stated in the Twenty-First Additional or Affirmative Defense in
 7 Your Answer, with specific reference to any Documents, persons, or other Evidence upon which
 8 You intend to rely.

9 **INTERROGATORY 22:**

10 Provide the basis for your contention that Sharp's "claims or causes of action are barred,
 11 in whole or in part, because [Sharp] seek[s] to enjoin alleged events that have already transpired
 12 and without the requisite showing of threatened future harm or continuing violation," as stated in
 13 the Twenty-Second Additional or Affirmative Defense in Your Answer, with specific reference
 14 to any Documents, persons, or other Evidence upon which You intend to rely.

15 **INTERROGATORY 23:**

16 Provide the basis for your contention that Sharp's claims "should be dismissed for
 17 uncertainty and vagueness and because their claims are ambiguous or unintelligible," as stated in
 18 the Twenty-Third Additional or Affirmative Defense in Your Answer, with specific reference to
 19 any Documents, persons, or other Evidence upon which You intend to rely.

20 **INTERROGATORY 24:**

21 Provide the basis for your contention that Sharp's claims "are barred, in whole or in part,
 22 because [Sharp] would be unjustly enriched if [it] [was] allowed to recover any part of the
 23 damages alleged in the Complaint," as stated in the Twenty-Fourth Additional or Affirmative
 24 Defense in Your Answer, with specific reference to any Documents, persons, or other Evidence
 25 upon which You intend to rely.

26 **INTERROGATORY 25:**

27 Provide the basis for your contention that Sharp's claims "are barred from recovery of
 28 damages, in whole or in part, to the extent that any restitution or award of damages to [Sharp]

1 would be excessive and punitive, and disproportionate to any alleged injury suffered by [Sharp],”
2 as stated in the Twenty-Fifth Additional or Affirmative Defense in Your Answer, with specific
3 reference to any Documents, persons, or other Evidence upon which You intend to rely.

4 **INTERROGATORY 26:**

5 Provide the basis for your contention that Sharp’s claims “are barred, in whole or in part,
6 to the extent the injuries alleged in the Complaint were directly and proximately caused by or
7 contributed to by the statements, acts, or omissions of [Sharp] or third persons or entities
8 unaffiliated with Thomson SA,” as stated in the Twenty-Sixth Additional or Affirmative Defense
9 in Your Answer, with specific reference to any Documents, persons, or other Evidence upon
10 which You intend to rely.

11 **INTERROGATORY 27:**

12 Provide the basis for your contention that Sharp’s claims “are barred, in whole or in part,
13 by the doctrines of res judicata or collateral estoppel,” as stated in the Twenty-Seventh
14 Additional or Affirmative Defense in Your Answer, with specific reference to any Documents,
15 persons, or other Evidence upon which You intend to rely.

16 **INTERROGATORY 28:**

17 Provide the basis for your contention that Sharp’s claims “are barred, in whole or in part,
18 because [Sharp] [has] failed to allege facts sufficient to support a claim under the Foreign Trade
19 Antitrust Improvements Act, 15 U.S.C. § 6a,” as stated in the Twenty-Eighth Additional or
20 Affirmative Defense in Your Answer, with specific reference to any Documents, persons, or
21 other Evidence upon which You intend to rely.

22 **INTERROGATORY 29:**

23 Provide the basis for your contention that Sharp’s claims “are barred, in whole or in part,
24 to the extent [Sharp] seek[s] to recover damages . . . based on sales outside of the United States,”
25 as stated in the Twenty-Ninth Additional or Affirmative Defense in Your Answer, with specific
26 reference to any Documents, persons, or other Evidence upon which You intend to rely.
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INTERROGATORY 30:

Provide the basis for your contention that Sharp's claims "are barred, in whole or in part, because Plaintiffs' claims are improperly joined within the meaning of Rule 20 of the Federal Rules of Civil Procedure because they did not arise out of the same transaction, occurrence, or series of transactions or occurrences and do not involve questions of law or fact common to all defendants," as stated in the Thirtieth Additional or Affirmative Defense in Your Answer, with specific reference to any Documents, persons, or other Evidence upon which You intend to rely.

INTERROGATORY 31:

Provide the basis for your contention that Sharp's claims "are barred, in whole or in part, because [Sharp] failed to exhaust all remedies against the parties with whom [Sharp] [is] in privity," as stated in the Thirty-First Additional or Affirmative Defense in Your Answer, with specific reference to any Documents, persons, or other Evidence upon which You intend to rely.

INTERROGATORY 32:

Provide the basis for your contention that Sharp's claims "are barred, in whole or in part, to the extent they would result in Thomson SA paying damages to more than one claimant for the same alleged overcharge, because such multiple recoveries would violate rights guaranteed to the Thomson SA by applicable states' laws and the United States Constitution, including, without limitation, rights guaranteed under the Due Process Clause of the Fourteenth Amendment," as stated in the Thirty-Second Additional or Affirmative Defense in Your Answer, with specific reference to any Documents, persons, or other Evidence upon which You intend to rely.

INTERROGATORY 33:

Provide the basis for your contention that Sharp's claims "are barred, in whole or in part, by the voluntary payment doctrine, under which [Sharp] [is] not entitled to recover payments made with full knowledge of the facts," as stated in the Thirty-Third Additional or Affirmative Defense in Your Answer, with specific reference to any Documents, persons, or other Evidence upon which You intend to rely.

1 **INTERROGATORY 34:**

2 Provide the basis for your contention that “Thomson SA is entitled to set off from any
3 recovery [Sharp] obtains against Thomson SA any amount paid to under settlements with other
4 defendants in this or related matters,” as stated in the Thirty-Fourth Additional or Affirmative
5 Defense in Your Answer, with specific reference to any Documents, persons, or other Evidence
6 upon which You intend to rely.

7 **INTERROGATORY 35:**

8 Provide the basis for your contention that Sharp’s claims “should be dismissed to the
9 extent that they are barred, in whole or in part, because any action taken by or on behalf of
10 Thomson SA was justified, constituted *bona fide* business competition, and was taken in pursuit
11 of its own legitimate business and economic interests and is therefore privileged,” as stated in the
12 Thirty-Fifth Additional or Affirmative Defense in Your Answer, with specific reference to any
13 Documents, persons, or other Evidence upon which You intend to rely.

14 **INTERROGATORY 36:**

15 Provide the basis for your contention that Sharp’s claims “are barred, in whole or in part,
16 by the doctrine of Noerr-Pennington,” as stated in the Thirty-Sixth Additional or Affirmative
17 Defense in Your Answer, with specific reference to any Documents, persons, or other Evidence
18 upon which You intend to rely.

19 **INTERROGATORY 37:**

20 Provide the basis for your contention that Sharp’s claims “should be dismissed on the
21 grounds of forum non conveniens to the extent the claims are governed by the laws of foreign
22 states,” as stated in the Thirty-Seventh Additional or Affirmative Defense in Your Answer, with
23 specific reference to any Documents, persons, or other Evidence upon which You intend to rely.

24 **INTERROGATORY 38:**

25 Provide the basis for your contention that Sharp’s claims “are barred, in whole or in part,
26 because venue does not lie in this Court,” as stated in the Thirty-Eighth Additional or
27 Affirmative Defense in Your Answer, with specific reference to any Documents, persons, or
28 other Evidence upon which You intend to rely.

INTERROGATORY 39:

Provide the basis for your contention that Sharp's claims "are barred, in whole or in part, because [Sharp] [has] agreed to arbitration or chose a different forum for the resolution of [its] claims," as stated in the Thirty-Ninth Additional or Affirmative Defense in Your Answer, with specific reference to any Documents, persons, or other Evidence upon which You intend to rely.

INTERROGATORY 40:

Provide the basis for your contention that Sharp's claims "are barred, in whole or in part, because any alleged injuries and damages were not legally or proximately caused by any acts or omissions of Thomson SA or were caused, if at all, solely and proximately by the conduct of third parties, including, without limitations, the prior, intervening, or superseding conduct of such third parties," as stated in the Fortieth Additional or Affirmative Defense in Your Answer, with specific reference to any Documents, persons, or other Evidence upon which You intend to rely.

INTERROGATORY 41:

Provide the basis for your contention that this "Court lacks subject-matter jurisdiction over [Sharp's] claims pursuant to, but not limited to, the Foreign Trade Antitrust Improvements Act, and because the conduct alleged to provide a basis for [Sharp's] claims did not have a direct, substantial, and reasonably foreseeable effect on trade or commerce within the United States," as stated in the Forty-First Additional or Affirmative Defense in Your Answer, with specific reference to any Documents, persons, or other Evidence upon which You intend to rely.

INTERROGATORY 42:

Provide the basis for your contention that Sharp's "claims against Thomson SA should be dismissed because this Court lacks personal jurisdiction over Thomson SA," as stated in the Forty-Second Additional or Affirmative Defense in Your Answer, with specific reference to any Documents, persons, or other Evidence upon which You intend to rely.

INTERROGATORY 43:

Provide the basis for your contention that Sharp's claims "should be dismissed because [Sharp] lack[s] standing to prosecute [its] state antitrust claims, in whole or in part, under,

without limitation, N.Y. Gen. Bus. Law §§ 340, *et seq.*,” as stated in the Forty-Third Additional or Affirmative Defense in Your Answer, with specific reference to any Documents, persons, or other Evidence upon which You intend to rely.

INTERROGATORY 44:

Provide the basis for your contention that Sharp’s claims “are barred, in whole or in part, for failure to join indispensable parties,” as stated in the Forty-Fourth Additional or Affirmative Defense in Your Answer, with specific reference to any Documents, persons, or other Evidence upon which You intend to rely.

DATED: May 14, 2014

By: Craig A. Benson

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